

NEWS-LINE



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The *Waste Tire Hauler Program NEWS-LINE* is a free informational newsletter published by the California Integrated Waste Management Board (CIWMB). This quarterly newsletter provides information on the CIWMB's waste tire regulatory programs, including upcoming events. Subscription information on page 4.

CHP Checkpoints Enforce Waste Tire Law

The CIWMB has increased the number of tire hauler inspection sites in California. So far, the California Highway Patrol (CHP), in collaboration with the CIWMB, has set up 55 checkpoints throughout the state to ensure that haulers are registered and filling out manifest and trip log forms correctly.

More than half of those checkpoints have been set up in the last six months, stepping up enforcement activity. Out of 400 vehicles checked since inspections began, 65 companies have been issued citations for not being registered as waste tire haulers with the CIWMB.

During the first two years of inspection, the CHP rarely issued citations. Instead, inspectors focused on showing haulers how to become registered and how to fill out the manifest and trip log forms. Now, with widespread awareness about the Waste Tire Manifest Program's regulations, that apply to haulers, generators, and end-use facilities transporting waste or used tires, the CIWMB and CHP have begun to increase enforcement operations.

Checkpoints are set up on roads leading to a tire facility, which is usually a disposal facility. Some checkpoints are also set up on the U.S./Mexico border to prevent California's waste tires from being illegally dumped in another country. A CIWMB tire inspector accompanies a CHP officer at each checkpoint.

Whereas a CHP officer may check the truck's operation, the tire

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Retreaders To Get New Reporting Requirements

On June 16, 2004, the CIWMB adopted emergency registration and manifesting regulations for retreaders (Resolution 2004-157). These emergency regulations change the current regulations that retreaders considered a burdensome reporting requirement, given the fact that tires they transport are not for disposal or recycling. It is the intent of the Board to make the emergency regulations permanent following a 45-day public comment period.

Until the emergency regulations are filed with California's Secretary of State, retreaders should use the current manifest reporting system. However, when the regulations become effective, retreaders will need to submit a self-certification form to the CIWMB. The Board will then issue a retreader decal and registration allowing for the use of an abbreviated trip log. A customer invoice may also replace the manifest.

Retreader trip logs and copies of invoices will be required when any tire casings are transported. These completed forms must be shown at local CHP checkpoints to demonstrate compliance with State law. Also, copies

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inspector checks that the manifest and trip logs show the actual number of tires being transported and that the vehicle has a current registration and displays a waste tire hauler decal on the windshield.

The CIWMB anticipates establishing 6 to 12 new checkpoints in the near future. These will most likely be located in southern California, where much of the tire hauling takes place. Most haulers follow the law, but some haulers still operate without a proper waste tire hauler registration and/or do not use the manifest and trip log forms to document the number of waste and used tires being hauled. Officials at the checkpoints make every effort to educate haulers who attempt to comply with the law, but they also cite repeat violators. Darryl Petker, senior engineer with CIWMB's Waste Tire Management Program, states, "Haulers are finding that we are not out to 'zing' them, but we are out there to support them, but also to watch for bad actors who are not registered."

Beware! Illegal Dumping May Be Caught on Video

The CIWMB is determined to eliminate illegal dumping of waste tires throughout California. To that end, the Board has not only established its Waste Tire Manifest Program but is also using a variety of enforcement activities, including surveillance equipment. A contract now in effect between the California Air Resources Board and the CIWMB will allow local governments to set up surveillance cameras to capture violations of the waste tire laws, namely illegal dumping.

After an individual is caught violating a waste tire law on videotape, local enforcement officials may inform the local district attorney's office for further criminal investigation and/or refer the case directly to the CIWMB. The CIWMB may then use the videotapes as court evidence to issue an Administrative Complaint that potentially carries a penalty of up to \$25,000 per violation.

Some cameras have already been installed in several counties, but there is a proposal to install them throughout California. Local government officials will select the best locations to install

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must be mailed to the CIWMB, and the retreader must retain copies for three years and show them to authorized representatives as needed.

Revised Registration and Manifest Regulations In Effect

Regulations for hauler registrations and manifests have been recently revised. Following are some of the changes:

1. For "amnesty day" events, unregistered waste tire haulers must now complete a manifest when hauling 20 or more tires. Previously, individuals did not have to complete a manifest for an amnesty day event.
2. Language in the existing regulations was clarified concerning registered haulers: Registered haulers must complete a manifest for every load hauled, regardless of size, unless they are exempt from registration requirements. Exempt haulers must complete a manifest if 10 or more used or waste tires are hauled.
3. If a hauler's registration is denied, suspended, or revoked, neither the hauler nor the waste tire hauler's vehicles may operate under another hauler's registration. Also, if the denial, suspension, or revocation was the result of a driver's actions, neither that driver nor that driver's vehicles may be added to another waste tire hauler's registration.
4. Every tire dealer/waste tire generator and end-use facility must apply for and obtain a CIWMB-assigned tire program identification (TPID) number for each location from which used or waste tires are generated and transported. Each location shall be assigned a unique, site-specific TPID number, which must be posted by the operator in a conspicuous place.
5. Administrative penalties will be imposed through new penalty schedules. The schedules will be based on whether the penalty is a first or subsequent offense, the type of violation, the number of violations overall, and the number of waste or used tires involved.

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additional equipment in the near future. CIWMB anticipates that this surveillance effort will help eliminate illegal dumping by motivating all haulers to dispose of waste tires properly.

Major Waste Tire Case Closed

On August 24, 2000, Mark Kirkland, president and operator of Omega Tires, Inc. (Stanislaus County), pled no contest to a violation of the State's waste tire laws. Kirkland's case might have been dismissed if co-defendant Omega Tires Inc. had paid a \$10,000 fine and performed community service. Omega Tires failed to comply. Consequently, in May 2004 Kirkland was ordered to pay a \$1,000 fine, given a sentence of 3 years informal probation, and ordered to pay \$57,125 in restitution to the owner of the property where the tires were stored.

A coordinated surveillance effort by the CIWMB and the California Air Resources Board resulted in Kirkland being sentenced for violating two Public Resources Code (PRC) sections. One violation pertained to PRC section 42824, which makes it unlawful for any person to direct or transport waste tires to a major waste tire facility (WTF), or to accept waste tires at a major WTF, unless the facility operator has obtained a major WTF permit. As the operator of Omega Tires, Kirkland had not obtained a permit.

Under the surveillance effort, cameras placed along Interstate 5 recorded trucks off-loading waste tires at the facility. Repeated incidents witnessed through surveillance cameras also showed Omega Tires accepting waste tires. It was reported that Omega had accepted 100 to 400 tires at a time on three occasions.

Cameras also revealed numerous unregistered waste tire haulers entering the Omega Tires premises and departing with tires, resulting in violation of another state law, PRC section 42953. This law states that any person who gives, contracts, or arranges with another person to transport waste tires shall utilize only a person holding a waste tire hauler registration from the CIWMB, unless the hauler is exempt as specified in the law. Kirkland utilized the services of haulers who did not hold waste tire hauler registrations from CIWMB.

Used Tires Aren't the Same as Waste Tires

Did you know there is a difference between used and waste tires? State law defines used tires as those tires that are no longer mounted on a vehicle but are still usable as vehicle tires. A waste tire is no longer mounted on a vehicle or suitable for use as a vehicle tire due to wear, damage, or deviation from the manufacturer's original specifications.

It is important to know how the law defines these two terms, particularly when it comes to storing used and waste tires. If you are hauling tires to a waste tire facility or accepting tires from a hauler, you must follow specific storage guidelines or face possible penalties of up to \$5,000 per violation. A used tire is meant for resale and is stored by size in a rack or a stack not more than two rows wide in accordance with local fire and vector control requirements and with State minimum standards.

With waste tires, there are more specific guidelines about the types of facilities and the number of waste tires that can be stored. A waste tire facility may receive up to 499 waste tires before a permit is needed, provided there are no other city or county restrictions. Facilities storing from 500 to 4,999 waste tires must hold a minor waste tire facility permit issued by the CIWMB. Facilities storing 5,000 or more waste tires must obtain a major waste tire facility permit that requires a financial mechanism for tire removal should the company go out of business. For more information on waste tire facility permits, call Terry Smith at (916) 341-6427.

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Used/Waste Tires (continued from page 3)

Haulers must use two forms to account for the used and waste tires that they transport (“CA Uniform Waste and Used Tire Manifest” and “CA Uniform Waste and Used Tire Trip Log”).

The law further requires haulers to transport waste or used tires to facilities that are legally authorized to accept the tires for reuse or disposal. Knowing the definitions of used and waste tires and the proper storage and disposal laws can help you avoid violations—thereby protecting you and your wallet!

Use Registered Company Name on Manifest and Trip Log Forms!

Haulers using vehicles with a CIWMB registration number must enter in the name and address of *the company listed on the waste tire hauler registration certificate* in Part 1 of manifest and trip log forms.

This is required even if the driver is not from the company that owns the vehicle. Violation letters from the Waste Tire Manifest Program inform the registered company of errors. Therefore, the registered company is responsible for all errors that appear on the forms, regardless of who hauls the tires.

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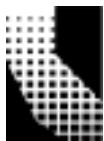
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